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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,717	02/08/2001	Richard J. Chutorash	LUTA 0316 PUS	4416

7590 06/18/2004  
James N. Kallis  
Brooks & Kushman P.C.  
Twenty-Second Floor  
1000 Town Center  
Southfield, MI 48075

EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/779,717

Applicant(s)

CHUTORASH, RICHARD J.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/08/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

*Claims 1-13 are pending.*

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 06/08/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Office. An initialed and dated copy of Applicant's IDS form 1449, is attached to the instant Office action.

### ***Claim Rejections - 35 USC § 112, second paragraph***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 8 and 13 recite the limitation "the output device" in lines 14 of claim 8 and claim 13. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Woll et al (U.S. 5,581,464).

a. Per claims 1, 8, and 13 (differs only by statutory class), Woll et al teaches a motor vehicle drive recorder system/method for recording motor vehicle data in response to an event declared by an occupant of a motor vehicle, the system comprising:

- a sensor for generating sensor signals indicative of motor vehicle data as a function of time (Fig.1 and col.3 lines 60-col.4 lines 1-7; a variety of sensors are included that generate information from transmitted and received radar signals);
- a switch for generating an event signal indicative of a declared event in response to an occupant of the motor vehicle actuating the switch (col.2 lines 50-54 and col.7 lines 1-3; switch functions can be implemented from trip monitors or from the activation of a manual switch);
- a memory device for storing the sensor signals as a function of time (Fig.2 and col.4 lines 43-48; the memory device is used for storing data);
- an output device for outputting the sensor signals stored in the memory device (Fig.6 and col.4 lines 19-25; the output module is used displaying signaled indications) and
- a processor operable with the sensor, the switch, the memory device, and the output device to write the sensor signals into the memory device, to mark at least one sensor signal written to the memory device as corresponding in time to the declared event in response to the switch generating an event signal, and to transfer from the memory device to the output device the sensor signals stored in the

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memory device proximate in time to the declared event (Fig.1, 2, col.5 lines 25-65, col.7 line 39-44, and col.8 lines 1-7; the microcontroller performs read and write functions to the memory which can then be displayed by the output module).

b. Per claims 2 and 9, Woll et al teaches the system/method of claim 1/8 wherein: the processor is operable to write the sensor signals into the memory device in response to the switch generating an event signal (col.7 lines 4-18; the processor can record information into memory in response to a triggered event).

c. Per claim 3, Woll et al teaches the system of claim 1 wherein: the sensor is disposed within the motor vehicle (col.2 lines 31-35; the event recording system is implemented in a vehicle).

d. Per claims 4 and 10, Woll et al teaches the system/method of claim 1/8 wherein: the sensor includes an acceleration sensor for generating a sensor signal indicative of motor vehicle acceleration as a function of time (col.4 lines 7-16; additional sensors are provided for including accelerometer sensors).

e. Per claims 5 and 11, Woll et al teaches the system/method of claim 1/8 wherein: the sensor includes a video camera for generating a sensor signal indicative of video images of the environment surrounding the motor vehicle (col.7-16; a video camera sensor is inherently provided for by the inclusion of other sensors for the means of acquiring geographic positioning information).

f. Per claim 6, Woll et al teaches the system of claim 1 wherein: the memory device is a non-volatile memory device (col.4 lines 36-40 and col.11 lines 13-17; the microcontroller is connected to a non-volatile memory device).

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g. Per claims 7 and 12, Woll et al teaches the system/method of claim 1/8 wherein: the processor is operable to transfer from the memory device to the output device the sensor signals stored in the memory device before, during, and after the declared event (col.6 lines 49-63 and col.10 lines 57-64; information can be stored at different modes of operation in the memory, either statically or dynamically, which allows for the before, during, and after storage of events).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Slifkin et al. (U.S. 5,955,942) discloses methods and means for monitoring events in vehicles.

b. Peer et al. (U.S. 6,163,755) discloses an obstacle detection system for alerting drivers.

c. Markus (U.S. 6,421,081) discloses real-time video device for viewing images at the rear and sides of a vehicle.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 703-605-4244. The examiner can normally be reached on Monday-Friday 8:30-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles  
Examiner  
Art Unit 2141

kds

A handwritten signature in black ink, appearing to read 'Rupal Dharia', with a long horizontal line extending to the right.

**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**